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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,347	10/30/2000	Jacob Cornelis Van Der Wal	PTT-106(4025	6895
7265	7590	01/25/2005	EXAMINER	
MICHAELSON AND WALLACE PARKWAY 109 OFFICE CENTER 328 NEWMAN SPRINGS RD P O BOX 8489 RED BANK, NJ 07701			NG, CHRISTINE Y	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/674,347	VAN DER WAL ET AL.	
	Examiner	Art Unit	
	Christine Ng	2663	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 7, 8 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

2. The drawings are objected to because the numbered parts should have a descriptive label. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7, 8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,819,672 to Corneliussen.

Referring to claim 7, Corneliussen discloses a system for charging, in a packet based telecommunication network, the packet load per connection (VPI/CI), characterized by a measuring device (Figure 7, second timer in “calculate time” block) for measuring the time period ( $T_{tot}$ ) between a set number ( $m$ ) of received or transmitted packets belonging to the same connection (VPI/CI). Second timer measures  $T_{tot}$ , which is the time between the arrival of the first packet  $n=1$  to the last packet  $n=m$ . Refer to Column 3, lines 27-36 and lines 48-60; and Column 4, lines 15-24.

Referring to claim 8, Corneliussen discloses that the system is characterized by a calculation device (Figure 7, second timer in “calculate time” block) for calculating the number ( $m$ ) of packets per said period of time ( $T_{tot}$ ) and supplying that calculation result ( $m/T_{tot}$ ) to a billing system (Figure 1, charging manager). Refer to Column 1, lines 43-46; Column 3, lines 27-36 and lines 48-60; and Column 4, lines 15-24.

Referring to claim 11, Corneliussen discloses an aggregation device (Figure 7,

Art Unit: 2663

"current volume and time" block) for aggregating the calculation result ( $m/T_{tot}$ ) and passing on the aggregated result ( $m/T_{tot}$ ) to the billing system (Figure 1, charging manager). "The value of the second timer ( $T_{tot}$ ) is provided when the metering equipments gets a request for the current duration for the connection" (Column 3, lines 45-47). The "current volume and time" block reports the aggregated (current)  $m/T_{tot}$  value to the charging meter.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,819,672 to Corneliusen in view of U.S. Patent No. 6,338,046 to Saari et al.

Referring to claims 9 and 10, Corneliusen does not disclose system packets which comprise an indication of the capacity or priority requested by the user (claim 9) or assigned by the telecommunication system (claim 10), characterized by a detection device for reading out the indication out of the system packets and transferring that indication to the billing system.

Saari et al disclose in Figure 2 system packets (billing cell 31) which comprise an indication (connection information 38) of the capacity or priority requested by the user or

Art Unit: 2663

assigned by the telecommunication system, characterized by a detection device (node 24) for reading out the indication (connection information 38) out of the system packets (billing cell 31) and transferring that indication to the billing system (access network billing system; Figure 3, Element 40). The connection information 38 includes a connection type field 31 that specifies service parameters such as maximum peak rate, acceptable cell loss ratio, the service class used (CBR, VBR, UBR or ABR) or other ATM traffic parameters. Refer to Column 5, line 60 to Column 6, line 2. A node 24 receives the billing cell 31, detects the connection information 38 and then copies the connection information 38 from the billing cell 31 to the billing unit 34. The billing unit 34 then transfers the charging information to a common billing system (Figure 3, Element 40). Refer to Column 5, lines 16-27 and Column 6, lines 26-28. The connection information 38 in billing cell 31 describes the general level of service expected (assigned by the telecommunication system, claim 10) or required (requested by the user, claim 9) by a network user when using a particular connection. Refer to Column 5, lines 56-60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include system packets which comprise an indication of the capacity or priority requested by the user (claim 9) or assigned by the telecommunication system (claim 10), characterized by a detection device for reading out the indication out of the system packets and transferring that indication to the billing system; the motivation being that this allows the user or the telecommunication system to assign certain traffic parameters to the connection, depending on the type of traffic being transmitted, and for different traffic parameters to be charged differently.

Referring to claims 12 and 13, Corneliussen does not disclose an aggregation device for aggregating the capacity or priority indications and passing on the aggregated indications to the billing system.

Saari et al disclose in Figure 3 an aggregation device (billing units 34a-34d) along a path of nodes 24a-24d from a source 26a to a destination 26b for aggregating the capacity or priority indications (connection information; Figure 2, Element 38) and passing on the aggregated indications to the billing system (node 40). A first billing unit 34a generates charging information using the billing cell information it received at a first node 24a and a charging strategy. The first billing unit 34a then passes the updated billing cell to a second billing unit 34b which then generates charging information based on the billing cell contents and a different charging strategy. This is repeated for billing units 34c and 34d. "After acquiring the relevant billing information from each of the billing units 34a-34d associated with each of the nodes 24a-24d defining the connections between the users 26a and 26b, the network billing system 40 computes the total cost for transmitting the data between source and destination locations 26a, 26b" (Column 7, lines 19-26). Refer to Column 6, line 49 to Column 7, line 26.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to include an aggregation device for aggregating the capacity or priority indications and passing on the aggregated indications to the billing system; the motivation being that this allows for charging a connection that spans over a series of nodes that operate under different charging strategies. Charging information can be

Art Unit: 2663

accumulated from one node to the next node to allow for accurate billing of the full connection.


### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng  
January 5, 2005

  
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